

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

KASHNER DAVIDSON SECURITIES CORP., <i>et al.</i>)
)
v.)
)
STEVEN Mscisz, <i>et al.</i>)
)

**SUPPLEMENT TO
STATEMENT OF REASONS SUPPORTING
CUSTOMERS' MOTION TO STAY ACTION
AND FOR PROTECTIVE ORDER**

The defendants/plaintiffs-in-counterclaim, Steven Mscisz, Mark Mscisz and Lynda Mscisz (“Customers”) hereby supplement their Statement of Reasons Supporting Customers’ Motion to Stay Action and for Protective Order (“Brief”) to correct a statement that, although true when made, is no longer accurate.

More specifically, the Customers stated in paragraph 14 of the Brief that they “estimate that the Appeal will be orally argued in November 2005 and finally resolved in early 2006.” However, that estimate was made before the Supreme Judicial Court (“SJC”) solicited briefs from *amici curiae*,¹ thereby delaying oral argument. According to the SJC’s *amicus* announcement, that argument is now “tentatively scheduled for January 2006.” Assuming that oral argument is heard in the SJC’s January sitting and that court’s decision is not extraordinarily delayed, the Appeal should be resolved by mid-2006.

¹ A true copy of the SJC’s *amicus* announcement is attached to this memorandum as Exhibit A.

STEVEN MSCISZ,
MARK MSCISZ &
LYNDA MSCISZ,

By their attorney,

/s/ William P. Corbett, Jr.

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Dated: September 29, 2005

Exhibit A

SUPREME JUDICIAL COURT FOR THE COMMONWEALTH
ANNOUNCEMENT

THE SUPREME JUDICIAL COURT IS SOLICITING AMICUS BRIEFS OR MEMORANDA FROM
INTERESTED PARTIES IN THE FOLLOWING APPEAL PENDING BEFORE THE COURT

THE ARGUMENT IS TENTATIVELY SCHEDULED FOR JANUARY 2006

SJC-09542

Superadio Limited Partnership v. Walt "Baby" Love Productions, Inc.

SJC-09529

Steven Mscisz & others v. Kashner Davidson Securities Corp. & others

In these cases, paired for argument, the issue presented, among others, is whether a lawyer licensed to practice in another state but not admitted in Massachusetts engages in the unauthorized practice of law by representing non-Massachusetts residents at an arbitration hearing in Massachusetts.

Interested parties may inspect the briefs and appendices on file in the Office of the Clerk for the Commonwealth, John Adams Courthouse, Suite 1-400, Pemberton Square, Boston (Telephone 617-557-1020). Parties filing amicus briefs are expected to comply with the requirements of Rules 17, 19 and 20 of Mass. Rules of Appellate Procedure. Amicus briefs, to assist the court, should focus on the ramifications of a decision and not solely on the interests of the parties filing such briefs.

Susan Mellen, Clerk

September 27, 2005